REMARKS

Claims 1-21 are pending in this application. Claims 6-15, 17-19, and 21 are withdrawn from consideration. In light of the amendments and remarks made herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this amendment, Applicant has amended claims 1, 16, and 20 to more appropriately recite the present invention. It is respectfully submitted that these amendments are being made without conceding the propriety of the Examiner's rejections, but merely to timely advance prosecution of the present application. This amendment is made to clarify the subject matter in claims 1, 16, and 20 without introducing any new features.

In the outstanding Official Action, the Examiner rejected claims 1-5, 16 and 20 under 35 USC §102(e) as being anticipated by *Iijima et al.* (USP 6,823,080). Applicant respectfully traverses this rejection.

Claim Rejections –35 USC §102(e)

In response to Applicant's arguments included in the previous Reply, the Examiner responds by asserting that the claimed invention does not require an extractor for extracting image information relating to conditions of the image from only the first image and depth information indicating a distance between a point to another point on the subject from only the second image. The Examiner concludes that a broad interpretation of the claims are met by the teachings of the cited reference.

By this amendment, Applicant has amended the independent claims to recite "...extracting image information relating to conditions of the image only from said first image and depth information indicating a distance between a point to another point on the subject only from said second image..." As previously noted on the record, *Iijima et al.* calculates the three-dimensional

shape of the object on the basis of the image data stored in the image memory and the corresponding position information of the image sensing head device. However, there is no teaching or suggestion in *Iijima et al.* that is directed to extracting image information relating to conditions of the image only from the first image and depth information indicating a distance between a point to another point on the subject only from the second image. Since *Iijima et al.* fails to teach or suggest all of the claimed elements, Applicant maintains that *Iijima et al.* fails to anticipate the present invention. It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 2-5 and 22 are allowable for the reasons set forth above with regard to claim 1, at least based upon their dependency on claim 1. It is further respectfully submitted that claims 16 and 20 include elements similar to those discussed above with regard to claim 1 and thus these claims, together with claims dependent thereon, are not anticipated by *Iijima et al.*
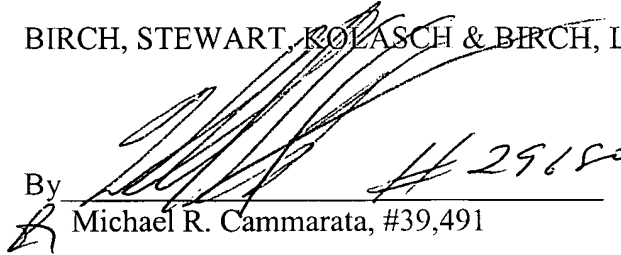
Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisinet (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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